



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

November 7, 2011

Steven A. Petrin
Stimson Lumber Company
700 Pacific Building
520 SW Yamhill Street
Portland, OR 97204

RE: Cooling Pond Berm Removal

Dear Mr. Petrin:

Over the course of the last two months, DEQ, DOJ-NRD, and Stimson have had many different discussions about the rock and cribbing materials remaining in the Blackfoot River (BFR) in the former cooling pond and berm area. DEQ, after consulting with NRD and FWP, has determined that not all of the cooling pond berm material was removed from the BFR per the terms of the AOC, Work Plan, Design Proposal, Addendum A, and the objective of the State's encroachment lawsuit. An explanation is listed below, along with a NRD memo and photos attached to this letter. The NRD memo provides additional details about the materials and further explanation justifying additional removal of the materials.

Per the agreement between DEQ and Stimson, the following will be found:

AOC – page 16, paragraph 74 – *(1) removal of all sediment and fill in the Cooling Pond and Berm.*

Work Plan – page 15, section 4.11, 3rd paragraph, last sentence – *The berm, the abandoned sewer plant with related utilities, and all wood cribbing will be removed below the level of alluvium until there is no remaining visible evidence of structures.*

Design Proposal – page 5, section 6.1, parts 2 and 3 – *2. Remove material down to native alluvium within the footprint of what will become a portion of the BFR riverbed. 3. Remove all relic cribbing and other timbers/structures from what will become a portion of the BFR riverbed.*

Addendum A – page 1, second section, Bank Restoration, last sentence in the first paragraph – *Per the requirements of section 4.11 of the Work Plan, the temporary berm will be removed to*

the level of alluvium during the final excavation phase of the remaining berm and other materials (wood cribbing).

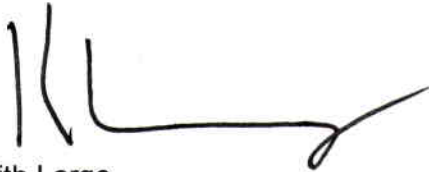
Because the large angular rock and cribbing is not fully removed from the BFR streambed per the terms of the agreement listed above, Stimson shall remove the remaining material, cribbing, and fill down to the native alluvium within the footprint of the former cooling pond and berm.

Stimson will develop a work plan for removing the material and the work plan will be approved by DEQ before the work begins to remove the material, including the wood cribbing.

DEQ is also aware that the 310 permit for this work has expired. Stimson should begin the process immediately to renew that permit. If there are problems in obtaining the permit so that the work can be completed this construction season, please let us know as soon as possible so that we can help resolve that issue.

Please feel free to call me if any questions may arise concerning this letter and feel free to call Doug Martin at (406) 444 0234 if any questions arise concerning the NRD memo attached to this letter.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'KL' followed by a long horizontal stroke and a small upward flick at the end.

Keith Large
Project Officer
Remediation Division

cc Richard Opper, Director, DEQ
 Bill Kirley, DEQ Legal
 Doug Martin, DOJ-NRD
 Rob Collins, DOJ-NRD
 Pat Saffel, FWP
 Jeff Webber, Stimson Lumber Co.
 Max Miller, Jr., Tonkon Torp LLC